

An. Code, 1924, sec. 45. 1912, sec. 46. 1904, sec. 46. 1888, sec. 43. 1785, ch. 66, sec. 7.

**45.** Any person holding lands and being in actual possession thereof in this State, under a warrant and survey or under a patent granted by the government of Pennsylvania before the divisional line between the two States was fixed, shall be entitled to receive a patent for such land from the proper authorities of this State.

For a case dealing with an equitable interest held under a statute analogous to this section, see *Rowland v. Crawford*, 7 H. & J. 52.

An. Code, 1924, sec. 46. 1912, sec. 47. 1904, sec. 47. 1888, sec. 44. 1862, ch. 129, sec. 37.

**46.** The proprietor of land bounding on any of the navigable waters of this State shall be entitled to all accretions to said land by the recession of said water, whether heretofore or hereafter formed or made by natural causes or otherwise, in like manner and to like extent as such right may or can be claimed by the proprietor of land bounding on water not navigable.

Secs. 46, 47 and 48 referred to in holding valid ordinances of Baltimore City establishing lines beyond which wharf may not extend. Riparian owners not deprived of rights thereby. *Cahill v. Baltimore*, 173 Md. 454.

While it was not the intention of act of 1862, ch. 129, to give riparian owners title to bed of stream, accretions to which such owners are entitled are not confined to those which start at shore and extend to channel. A patent granted subsequent to act of 1862 and in conflict with rights thereby conferred, should not have been granted; specific performance refused. *Melvin v. Schlessinger*, 138 Md. 339.

A conveyance to water of a tidewater pond and "then running and bounding on the water," etc., held to carry to middle of stream; rights of grantee are very similar to those given by this and two following sections. *Bowie v. W. Md. R. R. Terminal Co.*, 133 Md. 10.

Hauling away of sand and gravel held to retard the formation of accretions; injunction granted. *King v. Land & Improvement Co.*, 143 Md. 698.

The leaseholder under a lease made in 1850, acquired by virtue of act of 1745, ch. 9, the right to accretions, to exclusion of assignee of the reversion. *Williams v. Baker*, 41 Md. 527.

This section held to have no application where a patent to land covered by water was issued prior to its adoption. Dispute between such patentee and riparian owner as to ownership of accretion. *Linthicum v. Coan*, 64 Md. 452. *Cf. Day v. Day*, 22 Md. 539; *Patterson v. Gelston*, 23 Md. 445.

As long as the water covers the adjacent soil, there is no accretion, and hence this section has no application. *Hess v. Muir*, 65 Md. 596; *Hodson v. Nelson*, 122 Md. 335.

For cases dealing with the subject of this section prior to its adoption, see *Chapman v. Hoskins*, 2 Md. Ch. 485. *Ridgely v. Johnson*, 1 Bl. 316, note (f); *Giraud v. Hughes*, 1 G. & J. 264; *B. & O. R. R. v. Chase*, 43 Md. 23.

Cited but not construed in *Spencer v. Patten*, 84 Md. 426; *Hill v. United States*, 149 U. S. 593.

See notes to secs. 47 and 48.

An. Code, 1924, sec. 47. 1912, sec. 48. 1904, sec. 48. 1888, sec. 45. 1862, ch. 129, sec. 38.

**47.** The proprietor of land bounding on any of the navigable waters of this State shall be entitled to the exclusive right of making improvements into the waters in front of his said land; such improvements and other accretions as above provided for shall pass to the successive owners of the land to which they are attached, as incident to their respective estates. But no such improvement shall be so made as to interfere with the navigation of the stream of water into which the said improvement is made.

Riparian owner held not entitled to injunction against erection of crab houses and crab pounds or floats not attached to mainland, in front of his property, such structures not interfering with ingress and egress, nor with his right to make improvements provided for by this and preceding section. When such owner desires to make such improvements, crab houses, etc., must yield to his paramount right. Until owner makes such improvements, the title to land under water is in state. Nature and extent of riparian owner's rights under this section. *Hodson v. Nelson*, 122 Md. 334.

No patent ought to be issued which would destroy rights of riparian owner under this section. The only restriction upon latter's rights is that set out in last clause